

COMMUNITY AFFAIRS

Division Of Codes And Standards

Uniform Construction Code; Construction Boards of Appeals

Framing checklist; Mechanical Subcode and One - and Two-Family Dwelling Subcode; Records retention

Proposed Amendments: N.J.A.C. 5:23-2.18, 3.20, 3.21 and 4.5

Proposed New Rule: N.J.A.C. 5:23A-2.4

Authorized by: Susan Bass Levin, Commissioner, Department of Community Affairs

Authority: N.J.S.A. 52:27D-124 and -198; 40:55D-53.2a

Proposal Number: PRN 2005-

Calendar: See Summary below for explanation of exception to calendar requirement.

Submit written comments by: November 4, 2005 to:

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SUSAN BASS LEVIN, Commissioner

The agency proposal follows:

Summary

The proposed amendment to N.J.A.C. 5:23-2.18(b) incorporates a requirement for the responsible person in charge of construction of a one- or two-family house to use and sign the framing checklist. The building inspector would then perform the inspection using the checklist verifying that the framing complies with the released plans and the requirements of the code.

The above has been done with the addition of a signature/initial block included on the framing checklist form. This was added specifically at 2.18 (b)1iv(1)(D)(i). Since the framing checklist will now be a signed/initialed form, the amendment assigns the form a number in the municipal agency standard forms section of the Uniform Construction Code, N.J.A.C. 5:23-4.5(b).

The proposal would also require installation of a switch to manually stop the flow of oil from a tank to an oil burner. The safety valve or control would be required to be at least ten feet from the burner. In proposing this requirement, the Department has used the 10-foot minimum distance requirement for manual activation of a kitchen exhaust hood fire suppression system that is found in section 904.11.1 of the building subcode, on the grounds that the safety issues are analogous inasmuch as, in both instances, there is a need to prescribe a safe distance from the hazard.

Finally, the proposal would establish a record retention schedule for construction boards of appeals that is based on the existing schedule for county boards of taxation. Applications for hearings and decisions, including any attachments, would have to be retained for seven years, while audio or visual recordings would be retained for one year.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is exempted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The proposed amendments would have a positive social impact. Under the framing checklist amendment, the responsible person in charge of work would be required to submit the checklist as evidence that he or she has checked the proper framing of the building. The amendment concerning location of oil burner shut-off switches would promote safety by allowing the shut-off of the supply of fuel to a burner from a safe distance. The new rule concerning record retention by construction boards of appeals would facilitate orderly resolution of any issues to which those records might be relevant and which might arise during the period for which retention would be required.

Economic Impact

The Department anticipates that the proposed rule will have a positive economic impact in that the responsible person in charge of the work would be required to confirm that the framing has been done properly. While this may take some time to complete, it will have a benefit in that future discovery of problems with the framing may require costly construction.

For electrically controlled equipment, the cost of switch installation should be in the range of \$75 to \$100; for non-electrically controlled equipment, the valve installation should be around \$100.

Construction boards of appeals that do not currently retain records of applications and decisions for seven years, or recordings for one year, might incur some expense in order to do so, though it is unlikely that this expense would be significant.

Federal Standards Statement

No Federal standards analysis is required because these amendments are not being proposed in order to implement, comply with, or participate in any program established under Federal law or under a State law that incorporates or refers to Federal law, standards, or requirements.

Jobs Impact

The Department does not anticipate that any jobs will be created or lost as a result of these proposed amendments.

Agriculture Industry Impact

The Department does not anticipate that the proposed amendments would have an impact on the agricultural industry.

Regulatory Flexibility Statement

The proposed amendments concerning the framing checklist would impose a reporting requirement on "small businesses," as defined by the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. in that many builders meet this definition. However, as stated above, the time required to complete the checklist is time well spent if problems with improperly installed framing may be avoided by having a construction supervisor complete the checklist.

The proposed amendment concerning location of oil burner shut-off switches would impose a compliance requirement upon all persons doing construction involving installation of an oil burner, be they "small businesses" or not. However, it would not be burdensome, since all that the proposal would do would be to quantify an existing requirement that the shut-off switch be located a "safe distance" from the furnace.

The proposed new rule concerning record retention by construction boards of appeal would not impose any reporting, recordkeeping or compliance requirements upon "small businesses."

Smart Growth Impact

The Department does not expect that it would have any impact upon either achievement of "smart growth" or implementation of the State Plan.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

5:23-2.18 Inspections

(a) (No change.)

(b) Inspections during the progress of work: The construction official and appropriate subcode officials shall carry out periodic inspections during the progress of work to ensure that work inspected conforms to the requirements of the code.

1. Inspections of one and two-family dwellings for which construction must cease until the inspection is made shall be limited to the following:

i. – iii. (No change.)

iv. Mid-point inspections shall include the following:

(1) Building Subcode: All structural framing, connections, wall and roof sheathing, and insulation.

(A) – (C) (No change.)

(D) The inspector shall use a Department approved checklist.

(i) Prior to inspection, the responsible person in charge of work shall provide to the building inspector a signed framing checklist to be verified and initialed by the inspector and then made part of the permit file.

(2) – (3) (No change.)

2. – 4. (No change.)

(c) – (h) (No change.)

5:23-4.5 Municipal enforcing agencies--administration and enforcement

(a) (No change.)

(b) Forms:

1. (No change.)

2. The following standardized forms established by the Commissioner are required for use by the municipal enforcing agency:

Form No. Name

F380 Hydraulic System Data Plate

F390 Framing Checklist

3. – 5. (No change.)

(c) – (j) (No change.)

5:23-3.20 Mechanical subcode

(a) (No change.)

(b) The following chapters, sections or pages of the International Mechanical Code/2003 are amended as follows:

1. – 2. (No change.)

3. Chapter 3 of the mechanical subcode, entitled “General Regulations,” is amended as follows:

i. – ii. (No change.)

iii. Add new section 301.16 as follows:

301.16 Safety devices and controls. Oil burners, other than oil stoves with integral tanks, shall be provided with means for manually stopping the flow of oil to the burner. Such device or devices shall be placed in a readily accessible location a minimum of 10 feet from the burner. For electrically driven equipment, an identified switch in the burner supply circuit shall be provided at the entrance to the room or area where the appliance is located or, for equipment located in basements, the switch is required to be located at the top of stairs leading to the basement. An identifiable valve in the oil supply line, operable from a location a minimum of 10 feet from the burner, shall be used for other than electrically driven or controlled equipment.

Redesignate iii. – ix. as iv. – x. (No change in text.)

4. – 13. (No change.)

(c) (No change.)

5:23-3.21 One- and Two-family dwelling subcode.

(a) – (b) (No change.)

(c) The following chapters or sections of the IRC/2000 shall be modified as follows:

1. – 9. (No change.)

10. Chapter 13, general Mechanical System Requirements shall be amended as follows:

i. Add new section M1307.5 as follows:

M1307.5 Safety devices and controls. Oil burners, other than oil stoves with integral tanks, shall be provided with means for manually stopping the flow of oil to the burner. Such device or devices shall be placed in a readily accessible location a minimum of 10 feet from the burner. For electrically driven equipment, an identified switch in the burner supply circuit shall be provided at the entrance to the room or area where the appliance is located or, for equipment located in basements, the switch is required to be located at the top of stairs leading to the basement. An identifiable valve in the oil supply line, operable from a location a minimum of 10 feet from the burner, shall be used for other than electrically driven or controlled equipment.

Renumber 10. -14. as 11. – 15. (No change in text.)

5:23A-2.4 Construction Board of Appeals: records retention

(a) Copies of the following shall be retained:

1. Applications to the Construction Board of Appeals and the Decisions of the Construction Board of Appeals, including any attachments to the applications or decisions, shall be retained for a period of at least seven years, or until the end of any known litigation, whichever is longer.

2. Recordings of proceedings (audio or video) shall be retained for at least one year.